



S&H Form: (02/05)

**APPEAL BRIEF/
FEE TRANSMITTAL**

Attorney Docket No.	1359.1049
Application Number	09/874,283
Filing Date	June 6, 2001
First Named Inventor	Akira KUDO, et al.
Group Art Unit	2194

AMOUNT ENCLOSED	510.00	Examiner Name	Van H. Nguyen
-----------------	--------	---------------	---------------

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	9	- 23 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	5	- 11 =	0	X \$ 200.00 =	0.00

Since a Notice of Appeal was filed June 16, 2008, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)).

If Appeal Brief is enclosed, add (\$510.00)	510.00
---	--------

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)	
--	--

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)	
--	--

Total of above Calculations =	\$ 510.00
-------------------------------	-----------

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)	
---	--

TOTAL FEES DUE =	\$ 510.00
------------------	-----------

- (1) If entry (1) is less than entry (2), entry (3) is "0".
(2) If entry (2) is less than 20, change entry (2) to "20".
(4) If entry (4) is less than entry (5), entry (6) is "0".
(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
☒ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
☐ No payment is enclosed.

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:
- | | |
|----------------------|--------------------|
| Deposit Account No. | 19-3935 |
| Deposit Account Name | STAAS & HALSEY LLP |
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Paul W. Bobowiec	Reg. No.	47,431
Signature	<i>Paul W. Bobowiec</i>	Date	<i>August 15, 2008</i>



Docket No. 1359.1049

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Akira KUDO, et al.

Serial No. 09/874,283

Group Art Unit: 2194

Confirmation No. 6300

Filed: June 6, 2001

Examiner: Van H. Nguyen

For: COLLABORATION APPARATUS BETWEEN INFORMATION PROCESSING
SYSTEMS, INTEGRATED INFORMATION PROCESSING SYSTEM, AND RECORDING
MEDIUM STORING A COLLABORATION PROGRAM BETWEEN INFORMATION
PROCESSING SYSTEMS

APPEAL BRIEF UNDER 37 CFR §41.37

Mail Stop Appeal Brief-Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In a Notice of Appeal filed June 16, 2008, the applicant appealed the Examiner's rejections of claims 4, 10, 14, 16 and 20-22 asserted in the Final Office Action mailed January 15, 2008 ("Final Office Action"), and with the requisite fee set forth in 37 CFR § 41.20(b)(2).

The due date for filing of the Appellant's Brief is August 16, 2006. The Appellant's Brief with the requisite fee set forth in 37 CFR § 1.17 is submitted herewith.

08/18/2008 HVUONG1 00000021 193935 09874283
01 FC:1402 \$10.00 DA

I. REAL PARTY IN INTEREST

The real party in interest is Fujitsu Limited, the assignee of the subject application.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellants' legal representatives, and assignee are not aware of any prior or pending appeals or interferences which directly affect or are directly affected by, or have a bearing, on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 4, 6, 8, 10, 14, 16, and 20-22 are pending. Claims 1-3, 5, 7, 9, 11-13, 15, 17-19, and 23-27 are cancelled.

In the Final Office Action, the Examiner holds that claim 8 appears to be allowable over the prior art of record, subject to a final search (See, Final Office Action at page 6, line 4).

Claims 4, 6, 10, 14, 16, and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Materna et al. (U.S.P. 4,714,995) (Materna) and are on appeal.

IV. STATUS OF AMENDMENTS

An Amendment was filed on June 16, 2008 subsequent to the Final Office Action and an Advisory Action mailed July 16, 2008 indicated the Amendment filed on June 16, 2008 would not be entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims 4, 6, 10, 14, 16, and 20-22 are appealed herein. The appealed independent claims are 4, 10, 14, and 20.

The claimed invention in independent claim 4 recites a data perpetuation object apparatus between information processing systems for performing unified management of data managed in duplicate by a plurality of information processing means including information processing means based on different architectures, the apparatus being implemented as an object to be operated singly. (See, for example, Figure 15 illustrating "ERP system 10," "SCM system 20," and "SFA system 30," and "data perpetuation object 70" and page 11, lines 6 -12, and page 26, line 12 - page 30, line 12 of the specification).

Claim 4 also recites an apparatus including information identification object generating means for generating an information identification object that determines information to be stored in a storage apparatus of each information processing means. (See, for example, Fig. 15 illustrating "data perpetuation object 70" and "master maintenance table 71" and Fig. 17 illustrating "permanent data identification object generating part 70d" and page 26, lines 26-30 and page 27, lines 12 -30 of the specification).

Claim 4 also recites the apparatus including collaboration information storage means for storing information on a communication method between the information processing means as collaboration information among the plurality of information processing means. (See, for example, Fig. 16 illustrating "communication method" and page 26, line 31 - page 27, line 8 of the specification).

Claim 4 also recites the apparatus including role object generating means that generates a role object as an active role with respect to information processing means that is a data transmission origin, and a role object as a passive role with respect to information processing means that is a data transmission destination. (See, for example, Figures 17 and 18 illustrating "role object generating part 70b," "active role 82," passive role 83" and page 12, lines 9-15 and page 13, lines 12 -22 and page 14, line 26 - page 15, line 1 of the specification).

Claim 4 also recites the apparatus including a relating object generating means for referring to the collaboration information of the collaboration information storage means and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects, in accordance with a

communication method between the information processing means that is a data transmission origin and the information processing means that is a data transmission destination. (See, for example, Figures 17-19 and "relating object generating part 70c," "master maintenance table 71," page 12, lines 9-15 and page 13, line 23 - page 14, line 4, page 15, lines 2 - 15, and page 27, line 8 - page 30, line 10 of the specification).

Claim 10 recites a computer-readable recording medium storing a collaboration program between information processing systems that allows a computer to execute, as a perpetuation object to be operated singly, processing of performing unified management of data managed in duplicate by a plurality of information processing means including information processing means based on different architectures. (See, for example, Figure 15 illustrating "ERP system 10," "SCM system 20," and "SFA system 30," and "data perpetuation object 70" and page 11, lines 6 - 12, and page 26, line 12 - page 30, line 12 of the specification).

Claim 10 recites a program allowing a computer to execute processing of generating an information identification object that determines information to be stored in a storage apparatus of each information processing means. (See, for example, Fig. 15 illustrating "data perpetuation object 70" and "master maintenance table 71" and Fig. 17 illustrating "permanent data identification object generating part 70d" and page 26, lines 26-30 and page 27, lines 12 -30 of the specification).

Claim 10 recites a program allowing a computer processing of generating a role object as an active role with respect to information processing means that is a data transmission origin, and generating a role object as a passive role with respect to information processing means that is a data transmission destination. (See, for example, Figures 17 and 18 illustrating "role object generating part 70b," "active role 82," passive role 83" and page 12, lines 9-15 and page 13, lines 12 -22 and page 14, line 26 - page 15, line 1 of the application).

Claim 10 recites a program allowing a computer to execute processing of referring to collaboration information including information on a communication method between the information processing means and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects in accordance with the communication method between the information processing means that is a data transmission origin, and information processing means that is a data transmission destination. (See, for example, Figures 17-19 and "relating object generating part 70c," "master maintenance table 71," page 12, lines 9-15 and page 13, line 23 - page 14, line 4, page 15, line

2 - line 15 of the application, and page 27, line 8 - page 30, line 10).

Claim 14 recites a method of performing unified management of data managed in duplicate by a plurality of information processors based on different architecture, the method being carried out by a perpetuation object to be operated singly. (See, for example, Figures 18-19 illustrating "S51" - "S59" and page 11, lines 6 -12, and page 26, line 12 - page 30, line 12 of the specification).

Claim 14 recites a method generating an information identification object that determines information to be stored in each of the plurality of information processors. (See, for example, Fig. 15 illustrating "data perpetuation object 70" and "master maintenance table 71" and Fig. 19 and page 26, lines 26-30 and page 27, lines 12 -30 of the specification).

Claim 14 recites a method referring to collaboration information including information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination. (See, for example, Fig. 16 illustrating "communication method," Figures 17-19 illustrating "role object generating part 70b," "active role 82," passive role 83" and page 12, lines 9-15 and page 13, lines 12 -22 and page 14, line 26 - page 15, line 1 of the specification).

Claim 14 recites a method referring to the stored collaboration information and generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination. (See, for example, Figures 2-5, "relating object generating part 40c" and page 12, lines 9-15, page 13, line 23 - page 14, line 4, page 15, lines 2 - 15 of the specification, and page 27, line 8 - page 30, line 10).

Claim 20 recites a computer-readable storage storing a program for controlling a computer to execute, as a perpetuation object to be operated singly, collaborating a plurality of information processors based on different architectures, by generating an information identification object that determines information to be stored in each of the plurality of information processors. (See, for example, Figure 15 illustrating "ERP system 10," "SCM system 20," and "SFA system 30," and "data perpetuation object 70" and page 11, lines 6 -12, and page 26, line 12 - page 30, line 12 of the specification).

Claim 20 recites a computer executing a referring to collaboration information including

at least information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination. (See, for example, Fig. 16 illustrating "communication method," Figures 17 and 18 illustrating "role object generating part 70b," "active role 82," "passive role 83" and page 12, lines 9-15 and page 13, lines 12 -22, page 14, line 26 - page 15, line 1 of the specification).

Claim 20 recites a referring to the stored collaboration information and generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination. (See, for example, Figures 2-5, "relating object generating part 40c" and page 12, lines 9-15, page 13, line 23 - page 14, line 4, and page 15, lines 2 - 15 of the specification).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be reviewed is whether claims 4, 6, 8, 10, 14, 16, and 20-22 are properly rejected under 35 U.S.C. §102(b) as being anticipated by Materna et al. (US 4,714,995) (Materna).

An issue is whether Materna teaches each and every element of claims 4, 6, 8, 10, 14, 16, and 20-22.

Claims are each independently patentable over the reference as set forth below, and do not stand or fall together.

VII. ARGUMENT

All arguments are directed to the ground of rejection. All citations to the "Final Office Action" refer to the last Final Office Action.

To establish anticipation under §102, the reference relied on in support of the rejection must teach each and every element of the claim and the identical invention must be shown in as complete detail as in the claim. See Manual of Patent Examining Procedure §2131 (8th ed. Rev. 6) "MPEP"); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) that sets forth:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

A. Claim 4

The Final Office Action in rejecting claim 4 asserts "Refer to claims 20 . . . for rejection." (See, Final Office Action at page 6, lines 1-2).

1) Appellants submit that Materna does not expressly describe an apparatus including "generating means for generating an information identification object that determines information to be stored in a storage apparatus of each information processing means (emphasis added)," as recited by claim 4. By contrast, Materna merely teaches:

Depending on the actual communications protocol employed to communicate over the network 12, each SEND, RECEIVE or AUDIT command may have to be preceded by a CONNECT command to establish communication between the data translator 22 and the update manager 32 of a desired host computer system 10).

(See, for example, col. 9, lines 27-33).

In support of the rejection, the Examiner asserts:

Materna's teaching "The distribution module obtains from dictionary module 64 information specifying which host computers need to receive the updates and a "template" specifying how to reformat. . . data into the schema of the host computer's data base to which it is to be sent. . . distribution module then passes all this information to the appropriate transform module 69. . . reads-on information identification object used in determining information to be stored in each of the storages of the information processors.

(Emphasis added, see, for example, Final Office Action at page 7, line 6 - page 8, line 2).

Appellants submit that the Examiner's assertions regarding Materna can be

interpreted *arguendo* in three different ways. That is:

Interpretation I: *Arguendo* assuming a literal reading of the Examiner's assertion that the disclosed "distribution module obtains from dictionary module 64 information," itself, reads-on the recited "information identification object."

But, even using Interpretation I, Appellants submit the Examiner does not cite nor does Materna disclose generating means for generating an "information identification object," i.e., generating means for generating the distribution module and dictionary module.

Interpretation II: *Arguendo* assuming the Examiner's Response to indicate the disclosed "distribution module" teaches a recited "generating means."

But even using Interpretation II, Appellants submit that the Examiner does not cite nor does Materna disclose a "distribution module" generating "dictionary module 64 information."

Interpretation III: *Arguendo* assuming the Examiner's Response is intended to indicate the disclosed "dictionary module" teaches the generating means.

But, even using Interpretation III, Appellants submit that the Examiner does not cite nor Materna does disclose a "dictionary module" as generating a "distribution module."

That is, the Examiner's assertions of Materna as teaching a "generating means for generating an information identification object that determines information to be stored in a storage apparatus of each information processing means" is not correct regardless of a varied reading of the Examiner's interpretation.

Rather, Materna merely teaches, see, for example, FIG. 3, that dictionary information is stored "in any convenient format for access through a data base management system (DBMS) 84." That is, Materna stores the common entry in a single storage, i.e., DBMS 84.

2) Appellants submit that Materna does not expressly describe an apparatus including "collaboration information storage means for storing information on a communication method between the information processing means as collaboration information among the plurality of information processing means."

In the Final Office Action, in the section entitled Response to Arguments, the Examiner asserts:

Materna's teaching [T] he dictionary module 64 contains information with respect to each common data base entity. This information includes, for each entity, an entity name, an alternative name (if necessary), node number identifiers of each local data base that contains the entity, an indication of the schema classification,

an update template for each schema, the owner identification, and possible descriptive information concerning the entity. This dictionary information can be stored in any convenient format for access through a data base management system (DBMS) 84" [see the discussion beginning at col. 10, line 291 is interpreted as read-on storing information on a communication method as collaboration information.

(Final Office Action, page 6, line 20 - page 7, line 7)

Appellants submit that even assuming information stored by "dictionary module 64" disclosed by Materna teaches "information on a communication method," as the Examiner asserts, Materna does not disclose nor does the Examiner cite any information disclosed by Materna that can teach "collaboration information" among a plurality of information processing means.

By contrast, Materna merely teaches, see, for example, FIG. 3, that dictionary information is stored "in any convenient format for access through a data base management system (DBMS) 84." That is, Materna stores the common entry in a single storage, i.e., DBMS 84.

3) Appellants submit that Materna does not expressly describe an apparatus recited by claim 4 when viewed, as a whole.

Even assuming *arguendo* a "SEND command" and a "distribution module may continue performing other functions," disclosed by Materna, respectively teach a "role object as an active role and a "role object as a passive role," as recited by claim 4, Appellants submit that the Examiner has not supported nor does Materna disclose the features recited by claim 4 when viewed, as a whole.

That is, the Examiner has not provided support in the Final Office Action that Materna teaches, nor does Materna teach, an *arguendo* "role object as an active role" is generated "with respect to information processing means that is a data transmission origin."

By contrast, Materna merely discloses

Depending on the actual communications protocol employed to communicate over the network 12, each SEND, RECEIVE or AUDIT command may have to be preceded by a CONNECT command to establish communication between the data translator 22 and the update manager 32 of a desired host computer system 10).

(See, for example, col. 9, lines 27-33).

Materna teaches, for example:

For example, if a CAD system changed a dimension of a part, the same change should be made (i.e., replicated) in the stored value of that part's dimensions in the CAM and MRP data bases. . . the integration problem is simplified by

assigning each common data item an "owner" which is the only local data base permitted to update that data item. The other local data bases which contain the same data item will receive updated data values whenever the "owner" updates that data item, but those other data bases are not permitted to initiate an update. This concept of each data item having a single "owner" is logical in most applications. Returning to the preceding example, it does not make sense for a CAM or MRP system to initiate a change in the dimensions of a part, so it is logical that the CAD system be the exclusive "owner" of a part's dimensional data.

(Emphasis added , col. 5, lines 35-44).

That is, Materna merely teaches that the shared data is for example a "dimension of a part." Further, as set forth in *In re Oelrich* a "mere fact that a certain thing may result from a given set of circumstances is not sufficient." (See, for example, *In re Oelrich*, 666 F.2d 578, 581 (CCPA1981). See also *Ex parte Skinner*, 2 USPQ2d 1788, 1789 (BPAI 1986)("[T]he examiner must provide some evidence or scientific reasoning to establish the reasonableness of the examiner's belief that the functional limitation is an inherent characteristic of the prior art" before the burden is shifted to the applicant to disprove the inherency.).

The Examiner's finding that Materna expressly describes an apparatus as recited by claim 4 is not supported by the evidence of record. Therefore, it is submitted that claim 4 patentably distinguishes over the art of record.

B. Claim 10

The Final Office Action in rejecting claim 10 asserts "Refer to claim 20 above for rejection." (See, Final Office Action at page 5, lines 16-17).

Appellants submit that Materna does not expressly describe a computer-readable recording medium storing a collaboration program allowing a computer to execute processing of "generating an information identification object that determines information to be stored in a storage apparatus of each information processing means," as recited by claim 10.

Rather, Materna merely teaches, see, for example, FIG. 3, that dictionary information is stored "in any convenient format for access through a data base management system (DBMS) 84." That is, Materna stores the common entry in a single storage, i.e., DBMS 84.

Further, Appellants submit Materna does not expressly describe a computer-readable recording medium "storing a collaboration program allowing a computer processing of generating a role object as an active role with respect to information processing means that is a data transmission origin, and generating a role object as a passive role with respect to information processing means that is a data transmission destination," as recited by claim 10.

The Examiner has not provided support in the Final Office Action that Materna teaches, nor does Materna teach, an *arguendo* "role object as an active role" is generated "with respect to information processing means that is a data transmission origin."

Further, Appellants submit Materna does not expressly describe a computer-readable recording medium storing a collaboration program "allowing a computer to execute processing of referring to collaboration information . . . and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects in accordance with the communication method between the information processing means that is a data transmission origin, and information processing means that is a data transmission destination," as recited by claim 10.

Materna merely teaches that the shared data is, for example, a "dimension of a part."

The Examiner's finding that Materna expressly describes a computer-readable recording medium storing a collaboration program as recited by claim 10 is not supported by the evidence of record. Therefore, it is submitted that claim 10 patentably distinguishes over the art of record.

C. Claim 14

The Final Office Action in rejecting claim 14 asserts "Refer to claims 20 . . . for rejection. (See, Final Office Action at page 5, lines 14-15).

Appellants submit that Materna does not expressly describe a method referring to "collaboration information including information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination," as recited by claim 14.

The Examiner has not provided support in the Final Office Action that Materna teaches, nor does Materna teach, an *arguendo* "role object as an active role" is generated "with respect to an information processor."

Appellants submit that Materna does not expressly describe a method referring to the stored collaboration information and "generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination," as recited by claim 14.

Materna merely teaches that the shared data is, for example, a "dimension of a part."

The Examiner's finding that Materna expressly describes a method as recited by claim is not supported by the evidence of record. Therefore, it is submitted that claim 14 patentably distinguishes over the art of record.

D. Claim 20

The Examiners assertions regarding the teachings of Materna are on pages 2 - 5 of the Final Office Action. The main deficiencies in these arguments are discussed above.

Appellants submit that Materna does not expressly describe a computer-readable storage storing a program for controlling a computer to execute, as a perpetuation object to be operated singly, "collaborating a plurality of information processors based on different architectures, by generating an information identification object that determines information to be stored in each of the plurality of information processors," as recited by claim 20.

Rather, Materna merely teaches, see, for example, FIG. 3, that dictionary information is stored "in any convenient format for access through a data base management system (DBMS) 84." That is, Materna stores the common entry in a single storage, i.e., DBMS 84.

Appellants submit that Materna does not expressly describe a computer executing a referring to "collaboration information including at least information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination," as recited by claim 20.

The Examiner has not provided support in the Final Office Action that Materna teaches, nor does Materna teach, an *arguendo* "role object as an active role" is generated "with respect to an information processor that is a data transmission origin."

Appellants submit that Materna does not expressly describe a referring to the stored collaboration information and generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination, as recited by claim 20.

Materna merely teaches that the shared data is, for example, a "dimension of a part."

The Examiner's finding that Materna expressly describes a computer-readable storage storing a program as recited by claim 20 is not supported by the evidence of record. Therefore, it is submitted that claim 20 patentably distinguishes over the art of record.

E. Claims 6, 12, and 22

Appellants respectfully submit that dependent claims 6, 12, and 22 patentably distinguish at least due to their dependence from the respective independent claims and/or for reciting patentably distinguishing features of their own.

Dependent claim 6 recites a data perpetuation object collaboration apparatus between information processing systems according to claim 4, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

Dependent claim recites a method according to claim 14, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

Dependent claim 22 recites a computer-readable storage according to claim 20, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

The Examiner contends this feature is taught by Materna since:

Materna teaches the communication is selected from, among other things, batch communication (e.g., transmitted as a batch) [see the discussion, beginning at col. 9, line 22].

(Action at page 6).

Appellants submit that the Examiner is incorrect in his interpretation of Materna. Appellants submit that Materna does not teach a sections "from a plurality of kinds of communication methods."

By contrast, Materna just teaches that information is transmitted as a batch. That is, a singular method.

In view of the foregoing remarks, the rejection of dependent claims 6, 16, and 22 cannot be sustained, and reversal of the rejection of the appealed dependent claim 21 is respectfully requested. Therefore, it is submitted that claims 6, 16, and 22 patentably distinguish over art of record.

F. Claim 21

Appellants respectfully submit that dependent claim 21 patentably distinguishes at least due to dependence from the independent claim and/or for reciting patentably distinguishing features of its' own.

Dependent claim 21 recites a computer-readable storage according to claim 20, wherein the collaboration information contains timing information on timing of passing of information between the plurality of information processors.

In view of the foregoing remarks, the rejection of dependent claim 21 cannot be sustained, and reversal of the rejection of the appealed dependent claim 21 is respectfully requested.

Summary

Appellants submit that features recited by independent claims 4, 10, 14, and 20 (and respective dependent claims 6, 16, and 21-22) patentably distinguish over the art of record. Reversal of the Examiner's rejection is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of this Appeal Brief to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 15, 2008

By Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

VIII: CLAIMS APPENDIX

1. -3. (CANCELLED)

4. A data perpetuation object apparatus between information processing systems for performing unified management of data managed in duplicate by a plurality of information processing means including information processing means based on different architectures, the apparatus being implemented as an object to be operated singly, and comprising:

information identification object generating means for generating an information identification object that determines information to be stored in a storage apparatus of each information processing means;

collaboration information storage means for storing information on a communication method between the information processing means as collaboration information among the plurality of information processing means;

role object generating means that generates a role object as an active role with respect to information processing means that is a data transmission origin, and a role object as a passive role with respect to information processing means that is a data transmission destination; and

relating object generating means for referring to the collaboration information of the collaboration information storage means and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects, in accordance with a communication method between the information processing means that is a data transmission origin and the information processing means that is a data transmission destination.

5. (CANCELLED)

6. A data perpetuation object collaboration apparatus between information processing systems according to claim 4, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

7. (CANCELLED)

8. An integrated information processing system including a plurality of information processing means, the plurality of information processing means including information processing means based on different architectures, the system comprising:

collaboration information storage means for storing information on a communication method between the information processing means as collaboration information among the plurality of information processing means; and

a data perpetuation object apparatus between information processing systems for referring to the collaboration information of the collaboration information storage means and performing unified management of data managed in duplicate by the information processing means, the data perpetuation object apparatus being implemented as an object to be operated singly, and comprising:

information identification object generating means for generating an information identification object that determines information to be stored in a storage apparatus of each information processing means;

role object generating means for generating a role object as an active role with respect to information processing means that is a data transmission origin, and a role object as a passive role with respect to information processing means that is a data transmission

destination; and

relating object generating means for referring to the collaboration information of the collaboration information storage means and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects in accordance with a communication system between the information processing means that is a data transmission origin and the information processing means that is a data transmission destination.

9. (CANCELLED)

10. A computer-readable recording medium storing a collaboration program between information processing systems that allows a computer to execute, as a perpetuation object to be operated singly, processing of performing unified management of data managed in duplicate by a plurality of information processing means including information processing means based on different architectures, the program allowing a computer to execute:

processing of generating an information identification object that determines information to be stored in a storage apparatus of each information processing means;

processing of generating a role object as an active role with respect to information processing means that is a data transmission origin, and generating a role object as a passive role with respect to information processing means that is a data transmission destination; and

processing of referring to collaboration information including information on a communication method between the information processing means and generating a relating object for transmitting information to be stored in a storage apparatus of each information processing means between the role objects in accordance with the communication method between the information processing means that is a data transmission origin, and information

processing means that is a data transmission destination.

11. -13. (CANCELLED)

14. A method of performing unified management of data managed in duplicate by a plurality of information processors based on different architecture, the method being carried out by a perpetuation object to be operated singly, and comprising:

generating an information identification object that determines information to be stored in each of the plurality of information processors;

referring to collaboration information including information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination; and

referring to the stored collaboration information and generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination.

15. (CANCELLED)

16. The method according to claim 14, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

17. -19. (CANCELLED)

20. A computer-readable storage storing a program for controlling a computer to execute, as a perpetuation object to be operated singly, collaborating a plurality of information processors based on different architectures, by:

generating an information identification object that determines information to be stored in each of the plurality of information processors;

referring to collaboration information including at least information on a communication method between the information processors and generating a role object as an active role with respect to an information processor that is a data transmission origin, and a role object as a passive role with respect to an information processor that is a data transmission destination; and

referring to the stored collaboration information and generating a relating object for transmitting information to be stored in each of the information processors between the role objects, in accordance with a communication method between the information processor that is a data transmission origin and the information processor that is a data transmission destination.

21. The computer-readable storage according to claim 20, wherein the collaboration information contains timing information on timing of passing of information between the plurality of information processors.

22. The computer-readable storage according to claim 20, wherein the communication method is selected from a plurality of kinds of communication methods including real communication, delayed batch communication, and batch communication.

23.- 27. (CANCELLED)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None